

THE TOWN OF SOUTHBOROUGH



BOARD OF SELECTMEN

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September 1, 2006

Alicia C. Matthews, Director
Department of Telecommunications and Energy
Cable Television Division
1 South Station
Boston, Ma. 02110

Dear Ms. Matthews

Per your request of August 23, 2006 requesting municipal input regarding the Cable license municipal review process, the Town of Southborough would like office the following response:

1. Who initially reviews cable license applications on behalf of the Issuing Authority in deciding whether to begin the licensing process pursuant to 207 C.M.R. § 3.02(2)? How soon after receipt of the application does this review begin?

The Southborough CATV Advisory Committee reviews on behalf of the IA (Board of Selectmen) and review begins immediately.

2. Has the municipality established a Cable Advisory Committee? Is this a standing committee? When is the committee in session? How often does the committee meet? What are the terms of its members? Who may serve on the committee? How soon after a cable license application is submitted to the municipality does the Cable Advisory Committee receive application materials and begin its review?

Yes, Southborough has a standing committee of five, known as the Southborough Cable Advisory Committee, whose members are reappointed each July by the Board of Selectmen. Meetings are at least quarterly, and more often for licensing tasks. The Committee begins its review immediately after receipt of an application..

3. Does the municipality have a city solicitor or town counsel? Who represents the municipality in negotiations with the cable license applicant? How soon after a cable license application is submitted to the municipality does the negotiator receive application materials and commence negotiations? Does the negotiator have direct authority to offer final terms that may be included in a license to be executed by the municipality? If not, please describe the steps necessary to authorize proposed term sheets.

Southborough maintains Town Counsel. The Town has engaged a specialist attorney to represent it in Verizon negotiations. The materials are provided to counsel as soon as practical after receipt by email or post. The retained council is provided a list of terms and asked to negotiate them. The CATV Committee, on behalf of the Selectmen, finalizes terms and presents them to the Selectmen for final contract approval.

4. Is there any period of time wherein a Mayor or Board of Selectmen lacks authority to execute a contract on behalf of the community? For example, during the time after an election and before the newly elected Mayor takes an oath office, may the out-going Mayor execute a cable license? Please describe the circumstances and the duration of the period.

No, there is no time with a Board of Selectmen lacks the authority to execute a contract.. Terms on the Town's Board of Selectmen are staggered so no lame-duck franchises are possible. The Selectmen take office the day after the election and meet twice a month with the exception of the summer months when they meet once a month.

5. Many municipalities commented that 90 days is not sufficient to conduct a review of an initial license application. Please state whether there are any provisions of the current licensing process that may be streamlined and, if so, please identify such provisions.

The DTE should reduce the advertising and recording requirements of the process for both new and renewal process for small communities (less than 10,000 residents). These are, in fact, legacy requirements since systems are largely built out and the number of potential companies who might offer a competitive license in a small Town are reduced due to consolidation in the cable industry (this may be very differed in a City who has a larger customer base). In short, in small Massachusetts communities, there are only a few contenders for a second license and advertising and holding public hearings to solicit more vendors, delays action when a second Form 100 is received for a community.

6. Please provide a typical timeline of all steps necessary to identify the community's cable-related needs and interests and to issue the issuing authority report or request for proposal? Please include intervals between notices and public hearings, as well as the approximate number of days necessary for each step.

The intervals and steps are as required by DTE regulations. Based on these times and requirements, it can take at least six months to issue an IAR. To expect negotiations between a volunteer board and a cable vendor to be concluded within 30 days after a public hearing is not realistic.

7. Please state the date on which the municipality last conducted a review of its cable-related needs and interests. How often is a full review of cable-related needs and interests necessary? Would any of the intervals identified in the timeline in your response to Question 6 change absent a full review of cable related needs and interest.

June 20, 2006 in a public hearing by the IAR to begin the licensing process as a result of Verizon's application. Reviews should be conducted at least yearly and certainly in the six months before a renewal. Yes, if the rule-making petition is granted, there would not be enough time in the process for a full, open and public review of cable related needs and interests. Verizon's petition, if granted, would eviscerate this important process in the Town.

8. For communities that have begun the licensing process with Verizon, please provide a detailed timeline of events that have occurred to date. Please provide detail as to when the public hearing is held with respect to the date the proposal was first received.


February, 2006: Form 100 received

June, 2006: Public hearing to determine needs

September, 2006: Planned issuance of the IAR

If you require any additional information for clarification of the above, please contact me. Thank you for soliciting municipal input into this important issue.

Sincerely



Jean E. Kitchen
Town Administrator